

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA
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OFFICE OF THE CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOAN SCHWAN, et al.,

Plaintiffs,

v.

CNH AMERICA LLC, et al.,

Defendants.

Civil Action No. 4:04CV3384

STIPULATION

Joan Schwan et al. ("Plaintiffs") and CNH America LLC, Fiatallis North America, Inc., now known as Fiatallis North American LLC, Case New Holland Inc., CNH Global, N.V., Ford Motor Company, and Unisys Corporation, ("Defendants") hereby enter into this Stipulation and state as follows:

1. Plaintiffs will not move for leave to amend the Second Amended Complaint in whole or in part or to file a third amended complaint before Defendants' anticipated motions to dismiss the Second Amended Complaint are ruled upon by the Court.
2. Defendants will not file an objection to Plaintiffs' motion for leave to file a Second Amended Complaint.
3. Plaintiffs reserve the right to seek leave to amend after the Court decides the Defendants' anticipated motions to dismiss the Second Amended Complaint. Defendants reserve the right to object to any such motion.
4. The following briefing schedule will govern Defendants' anticipated motions to dismiss the Second Amended Complaint in the event that the Court grants Plaintiffs leave to file their Second Amended Complaint:

- a. Defendants will have 30 days to answer or otherwise plead in response to the Second Amended Complaint
- b. Plaintiffs will have 30 days to respond to any motion to dismiss Defendants file in response to the Second Amended Complaint.
- c. Defendants will have 10 days to reply to Plaintiffs' response to any motion to dismiss filed by Defendants.

DATE: June 30, 2005

Respectfully submitted,

/s/ JIM R. ROSS

One of the Attorneys for Plaintiffs

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/s/ MARY ROSE ALEXANDER w/permission

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/s/ RANDY J. CURATO w/permission

One of the Attorneys for CNH America LLC,
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Fiatallis North America LLC, Case New Holland
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IT IS SO ORDERED THIS 5th OF
July, 2005


UNITED STATES DISTRICT COURT JUDGE
Magistrate